

REMARKS

The claims have not been amended. Accordingly, claims 1-23 are currently pending in the application, of which claims 1, 10, and 13 are independent claims.

Applicants appreciate the indication that claims 2-5 contain allowable subject matter. Applicants appreciate the indication that claims 10-12 and 22 are allowed.

Applicants request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. § 102

Claims 1, 8-9, 13-17, 19, 21, and 23 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,743,546 issued to Kaneda, *et al.* ("Kaneda").

Applicants respectfully traverse this rejection for at least the following reasons.

In order for a rejection under 35 U.S.C. § 102(e) to be proper, a single reference must disclose every claimed feature. To be patentable, a claim need only recite a single novel feature that is not disclosed in the cited reference. Thus, the failure of a cited reference to disclose one or more claimed features renders the 35 U.S.C. § 102(e) rejection improper.

Claim 1 recites, *inter alia*:

a pouch casing for housing the electrode assembly having an open portion and being formed of composite foil of a metallic material and a resin material;

a pouch cover formed of a metal material including at least one throughhole and at least an electrode pin fastened to the at least one throughhole, wherein the electrode pin is electrically connected to one of the first terminal portion and the second terminal portion and the pouch cover is coupled to and seals the open portion of the pouch casing; and

a first lead and a second lead exposed outside the pouch cover, wherein the first lead is electrically connected to the first terminal portion and the second lead is electrically connected to the second terminal portion

Despite the Office Action's continued assertions to the contrary, Kaneda fails to teach or suggest at least these features. In responding to Applicants' arguments, the Office Action states that "the upper portion of the pouch casing has an upper portion (cover) that is sealed so that electrolyte will not seep out of the same" (page 3, lines 3-5). But the upper portion of Kaneda's pouch casing does not teach the pouch cover of claim 1. According to claim 1, "*a pouch casing for housing the electrode assembly [has] an open portion ... and the pouch cover is coupled to and seals the open portion of the pouch casing.*" (emphasis added). Kaneda, however, teaches that frame 19, which includes electrode assembly 2, is enclosed within the laminate casing 1 and after injecting electrolyte, the laminate casing 1 is sealed. (col. 13, lines 27-31). The laminate casing 1 is sealed by "applying pressure and heat" (col. 14, lines 3-4; Figure 1). Because laminate casing 1 is sealed to itself "by applying pressure and heat," Kaneda does not teach a pouch cover that is coupled to and seals the open portion of the pouch casing. Thus, Kaneda fails to teach or suggest the pouch casing and pouch cover of claim 1.

Furthermore, Kaneda discloses terminals 7a, 10a joined to leads 13, 14 and extending from frame 19 (Fig. 1). The Office Action relies upon the leads 13, 14 to teach the electrode pin as well as the first lead and the second lead of claim 1. The Office Action states that "[t]here is no language in current claim 1 that precludes the electrode pins from also being the first and second leads" (page 3). However, the electrode pin and the first and second leads are each positively recited elements of claim 1. It is inappropriate and an unfair reading of Kaneda to use the lead, which is a single element, to teach two positively recited elements of claim 1. Therefore, Kaneda fails to teach or suggest the electrode pin and the first and second leads as defined in claim 1.

For reasons similar to those noted above with regard to claim 1, Applicants respectfully submit that Kaneda fails to teach or suggest each and every feature of claim 13.

Accordingly, Kaneda fails to teach each and every claimed feature of claims 1 and 13. Claims 4-5, 8-9, and 21 depend from claim 1, and therefore are patentable for at least this reason. Claims 14-17, 19, and 23 depend from claim 13, and therefore are patentable for at least this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claims 1 and 13, and all the claims that depend therefrom, are allowable.

Rejections Under 35 U.S.C. § 103

Claims 6-7, 18, and 20 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kaneda. Applicants respectfully traverse this rejection for at least the following reasons.

Applicants respectfully submit that claims 1 and 13 are allowable over Kaneda as noted above. Hence, claims 6-7, 18, and 20 are allowable at least because they depend from allowable claims 1 and 13, respectively.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 6-7, 18, and 20. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that claims 6-7, 18, and 20 are allowable.

Allowable Subject Matter

Applicants appreciate the indication that claims 2-5 contain allowable subject matter. Claims 2-5 have not been amended because Applicants respectfully submit that claims 2-5 depend from an allowable base claim and are allowable at least for this reason.

Accordingly, Applicants submit that claims 2-5 are in condition for allowance.

Applicants appreciate the indication that claims 10-12 and 22 are allowed.

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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